

SENATE FINANCE COMMITTEE SUBSTITUTE FOR
SENATE BILL 454

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; PROVIDING FOR THE
CALCULATION OF THE INSTRUCTIONAL STAFF TRAINING AND EXPERIENCE
INDEX OF CHARTER SCHOOLS; PROVIDING A HOLD HARMLESS PROVISION
FOR TWO FISCAL YEARS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-8-6.1 NMSA 1978 (being Laws 1993,
Chapter 227, Section 8, as amended) is amended to read:

"22-8-6.1. CHARTER SCHOOL BUDGETS.--

A. Each state-chartered charter school shall submit
to the charter schools division of the department a school-
based budget. For ~~[fiscal year 2008, and for]~~ the first year
of operation ~~[in any fiscal year thereafter]~~, the budget of
every state-chartered charter school shall be based on the
projected number of program units generated by that charter

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underscored material = new
[bracketed material] = delete

1 school and its students, using the at-risk index and the
2 instructional staff training and experience index of the school
3 district in which it is geographically located. For second and
4 subsequent fiscal years of operation, the budgets of state-
5 chartered charter schools shall be based on the number of
6 program units generated using the average of the eightieth and
7 one hundred twentieth day MEM of the prior year and its own
8 instructional staff training and experience index and the at-
9 risk index of the school district in which the state-chartered
10 charter school is geographically located. The budget shall be
11 submitted to the division for approval or amendment pursuant to
12 the Public School Finance Act and the Charter Schools Act.

13 B. Each locally chartered charter school shall
14 submit to the local school board a school-based budget. For
15 ~~[fiscal year 2008, and for]~~ the first year of operation ~~[in any~~
16 ~~fiscal year thereafter]~~, the budget of every locally chartered
17 charter school shall be based on the projected number of
18 program units generated ~~[using the average of the eightieth and~~
19 ~~one hundred twentieth day MEM of the prior year]~~ by the charter
20 school and its students, using the at-risk index and the
21 instructional staff training and experience index of the school
22 district in which it is geographically located. For second and
23 subsequent fiscal years of operation, the budgets of locally
24 chartered charter schools shall be based on the number of
25 program units generated using the average of the eightieth and

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1 ~~one hundred twentieth day MEM, of the prior year [program units~~
2 ~~generated by that locally chartered charter school and its~~
3 ~~students]~~ and its own instructional staff training and
4 experience index and the at-risk index of the school district
5 in which the locally chartered charter school is geographically
6 located. The budget shall be submitted to the local school
7 board for approval or amendment. The approval or amendment
8 authority of the local school board relative to the charter
9 school budget is limited to ensuring that sound fiscal
10 practices are followed in the development of the budget and
11 that the charter school budget is within the allotted
12 resources. The local school board shall have no veto authority
13 over individual line items within the charter school's proposed
14 budget, but shall approve or disapprove the budget in its
15 entirety. Upon final approval of the local budget by the local
16 school board, the individual charter school budget shall be
17 included separately in the budget submission to the department
18 required pursuant to the Public School Finance Act and the
19 Charter Schools Act.

20 C. For the first year of operation after a locally
21 chartered charter school converts to a state-chartered charter
22 school or a state-chartered charter school converts to a
23 locally chartered charter school, the charter school's budget
24 shall be based on the number of program units generated using
25 the average of the eightieth and one hundred twentieth day MEM

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1 of the prior year and the instructional staff training and
2 experience index and the at-risk index of the school district
3 in which it is geographically located. For second and
4 subsequent fiscal years of operation, the charter school shall
5 follow the provisions of Subsection A or B of this section, as
6 applicable.

7 D. Notwithstanding the provisions of Subsections A
8 through C of this section, each charter school that was in
9 existence in fiscal year 2009 shall be held harmless in the
10 calculation of its instructional staff training and experience
11 index for two fiscal years. For fiscal years 2010 and 2011,
12 the department shall use the greater of the charter school's
13 2008-2009 funded instructional staff training and experience
14 index or the charter school's own instructional staff training
15 and experience index. Beginning in fiscal year 2012, each
16 charter school shall use its own instructional staff training
17 and experience index."